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Attorney for Plaintiff
Consumer Financial Protection Bureau

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Consumer Financial Protection Bureau,

Plaintiff,

v.

Experian Information Solutions, Inc.,

Defendant.

Case Number:

8:25-cv-00024-MWC-DFM

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PARTIAL WAIVER OF LOCAL
RULE 83-2.1.3.4**

Judge: Hon. Michelle Williams Court

Hearing Date: February 28, 2025

Time: 1:30 PM PST

Courtroom: 6A

PLEASE TAKE NOTICE that on February 28, 2025 at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 6A of the above-entitled Court, located at 350 W. 1st Street, 6th Floor, Los Angeles, California 90012, Plaintiff Consumer Financial Protection Bureau ("Bureau") will and hereby does respectfully move the Court for an order granting the Bureau partial relief from

1 Local Rule 83-2.1.3.4. The Bureau seeks waiver of the aforementioned rule only in
2 part; it requests permission to designate as local counsel a Bureau attorney who is a
3 member in good standing of the Bar of this Court, has appeared in this matter
4 already, and who maintains a California law office which is out-of-district.

5 The Bureau has been permitted to make such a designation in numerous
6 other matters in this District, which are cited in the attached Memorandum of
7 Points and Authorities and attached hereto as Exhibit A. This practice is also
8 consistent with Congress's grant of independent litigation authority to the Bureau.

9 Pursuant to L.R. 7-3, counsel for the Bureau contacted counsel for
10 Defendant Experian Information Solutions, Inc., Richard Grabowski of the law
11 firm Jones Day, who advised Plaintiff's counsel by email on January 16, 2025, that
12 Defendant does not oppose the instant motion.

13
14 Dated: January 17, 2025

Respectfully submitted,
/s/ Colin Hector

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Consumer Financial Protection Bureau (Bureau) respectfully seeks
3 partial waiver of L.R. 83-2.1.3.4.

4 **I. Case Background**

5 This action concerns alleged violations of the Fair Credit Reporting Act
6 (FCRA), 15 U.S.C. §1681 et seq., and the Consumer Financial Protection Act of
7 2010 (CFPA), 12 U.S.C. §§ 5531, 5536, by Experian Information Solutions, Inc.
8 (Experian), a nationwide credit reporting agency headquartered in Costa Mesa. The
9 Bureau filed the Complaint in this case on January 7, 2025, and now seeks to
10 submit applications for its staff attorneys that are not members of the Bar of this
11 Court to appear *pro hac vice* in the case on behalf of the Bureau.

12 **II. Argument**

13 Where an attorney seeks to appear in a case on a *pro hac vice* basis, the
14 Court's Local Rules require that the attorney "designate as Local Counsel an
15 attorney ... only if he or she: (1) is a member of the Bar of this Court and (2)
16 maintains an office within the District for the practice of law, in which the attorney
17 is physically present on a regular basis to conduct business." L.R. 83-2.1.3.4.
18 Consistent with long-standing practice that has been approved by numerous judges
19 of this Court, the Bureau seeks to designate as local counsel an attorney employed
20 by the Bureau who (1) is a member of the Bar of this Court and (2) maintains and
21 is regularly physically present at a law office within the State of California, but not
22 within the District. The Bureau respectfully submits that partial waiver L.R. 83-
23 2.1.3.4 is appropriate under the present circumstances.

24 The Bureau is an independent agency of the United States created by the
25 CFPA. The Bureau has independent litigation authority to commence enforcement
26 proceedings throughout the United States for violations of Federal consumer
27 financial law, *see* 12 U.S.C. §§ 5481(14), 5564.
28

Colin Hector is an attorney employed by the Bureau as Senior Litigation Counsel. He is a member in good standing of the Bar of this Court, and has appeared in this matter on behalf of the Bureau pursuant to L.R. 83-2.1.1.1. (Hector Decl. ¶ 2.) While Attorney Hector maintains an office in the State of California, he does so at the regional office of the Bureau located in San Francisco. The Bureau does not maintain an office within the District. Five additional attorneys employed by the Bureau (Max Weinstein, Alexander Johnson-Lee, Jennifer Yadoo, Daniel Cheriyan, and Elizabeth Aniskevich) represent the Bureau in this matter and are members in good standing of the highest courts of various states and United States Courts and are otherwise qualified to appear *pro hac vice* pursuant to L.R. 83-2.1.3.1.

The CFPA provides that “[t]he Bureau may act in its own name *and through its own attorneys* in enforcing any provision of this title, rules thereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Bureau is a party.” 12 U.S.C. § 5564(b) (emphasis added).¹ Congress expressly anticipated that Bureau attorneys would handle matters independently in all districts in the United States without the involvement of the U.S. Department of Justice or private counsel. *See* 12 U.S.C. § 5564(f) (“Any civil action brought under this title may be brought in a United States district court ...”). Consistent with that Congressional grant of independent litigation authority, it is appropriate to allow the Bureau to designate as local counsel a member of the Bar of the Court whose California law office is out-of-District. Under similar circumstances, judges of this Court have approved such a designation. *See, e.g.,* Exhibit A, *CFPB v. SoLo Funds, Inc.*, No. 2:24-cv-04108 (C.D. Cal. Jul. 10, 2024) (Klausner, J.); *CFPB v. Consumer Advoc.*

¹ This authority is similar to that granted other regulatory entities, including the Federal Housing Finance Agency, 12 U.S.C. § 4513(c); the OCC, 12 U.S.C. § 93(d); the FDIC, 12 U.S.C. § 1819; the CFTC, 7 U.S.C. §§ 2(a)(4), 9(8), 13a-1; the SEC, 15 U.S.C. §§ 78aa(a), 78u(c)-(d), 78u-1(a)(1); and the FTC, 15 U.S.C. § 56(a).

1 *Ctr. Inc., d/b/a Premier Student Loan Ctr.*, No. 8:19-cv-01998 (C.D. Cal. Oct. 22,
2 2019) (Selna, J.); *CFPB v. Howard*, No. 8:17-cv-00161 (C.D. Cal. Jun. 12, 2017)
3 (Staton, J.); *CFPB v. D & D Mktg., Inc., d/b/a T3Leads*, No. 2:15-cv-9692 (C.D.
4 Cal. Dec. 28, 2015) (Gutierrez, J.). Indeed, this Court has recently permitted
5 Attorney Hector to be designated as local counsel for Bureau attorneys seeking to
6 appear in a matter *pro hac vice*. See *CFPB v. Noh et al.*, No. 8:21-cv-00488 (C.D.
7 Cal. Jan. 2, 2025) (Holcomb, J.).

8 **III. Conclusion**

9 For the foregoing reasons, the Bureau respectfully requests that it be granted
10 partial relief from L.R. 83-2.1.3.4 and that Bureau attorneys be permitted to make
11 applications to appear *pro hac vice* that designate as a local counsel an attorney
12 who is a member in good standing of the Bar of this Court, but who maintains and
13 is regularly present at an out-of-District California law office. If the Court grants
14 the Bureau's motion, the Bureau anticipates that it will submit the applications of
15 Attorneys Max Weinstein, Alexander Johnson-Lee, Jennifer Yadoo, Daniel
16 Cheriyan, and Elizabeth Aniskevich to appear *pro hac vice* designating Attorney
17 Colin Hector as local counsel.
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1 Dated: January 17, 2025

2 Respectfully submitted,
3 /s/ Colin Hector

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